



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT MEETING WEDNESDAY, DECEMBER 30, 2015

Members Present: Fran L'Heureux; Patrick Dwyer; Lynn Christensen & Alternate Leonard Worster.

Staff Present: Robert Price, Assistant Planner

1. Call to order

The meeting was called to order at 7:00 p.m. by Fran L'Heureux.

2. Roll Call

Patrick Dwyer led the Pledge of Allegiance, swore in those in attendance who would be testifying and read the Preamble.

3. **Gregory E. Michael of Bernstein, Shur, Sawyer & Nelson, P.A. (petitioner) and Vault Motor Storage (owner) – Request for Re-Hearing regarding Case # 2015-39, in which the Board voted to deny a Variance under Section 17.10.3 of the Zoning Ordinance to permit an additional 160 sf. ground sign whereas a 63 sf. ground sign was permitted at 526 D.W. Highway in 2014. The parcel is located at 526 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. Case #2015-46.**

The Board agreed, with the permission of Attorney Michael and without formal vote, to table this item until after taking up Items 4 & 5.

4. **Nikolaos Doulamis (petitioner/owner) – Special Exception under Section 2.02.2 (C) of the Zoning Ordinance to permit the conversion of an existing legal non-confirming single-family dwelling into a multi-family dwelling. The parcel is located at 565 D.W. Highway in the C-1 (Limited Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts, and Wellhead Protection Area. Tax Map 6D1, Lot 123. Case #2015-47.**

The owner was represented by Joseph Mitchell, Esq.

No public comments were made in favor or opposition to this application.

The Board voted 4-0-0 to grant the special exception with conditions, on a motion made by Patrick Dwyer and seconded by Leonard Worster.

5. **Nikolaos Doulamis (petitioner/owner) – Variances under Section 3.02 of the Zoning Ordinance to permit a lot with lot area of 8,712 s.f. whereas 40,000 s. f. is required; frontage of 80 feet whereas 125 feet is required; front set back of 28 feet whereas 30**

feet is required; side set back of 15 feet whereas 20 feet is required; and depth of 110 feet whereas 125 feet is required. The parcel is located at 565 D.W. Highway in the C-1 (Limited Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts, and Wellhead Protection Area. Tax Map 6D1, Lot 123. Case #2015-50.

The owner was represented by Joseph Mitchell, Esq.

No public comments were made in favor or opposition to this application.

The Board voted 4-0-0 to grant the variances with conditions, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.

6. **Gregory E. Michael of Bernstein, Shur, Sawyer & Nelson, P.A. (petitioner) and Vault Motor Storage (owner) — Request for Re-Hearing regarding Case # 2015-39, in which the Board voted to deny a Variance under Section 17.10.3 of the Zoning Ordinance to permit an additional 160 sf. ground sign whereas a 63 sf. ground sign was permitted at 526 D.W. Highway in 2014. The parcel is located at 526 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. Case #2015-46.**

The Board agreed, at the request of Attorney Michael and without formal vote, to table this item until after the remaining two public hearings.

7. **Gregory E. Michael of Bernstein, Shur, Sawyer & Nelson, P.A. (petitioner) and Beverly D. Hilton Revocable Trust and George L. Hilton Revocable Trust (owners)—Variances under Section 3.02 of the Zoning Ordinance to permit a lot with lot area of 52,985 s.f. whereas 100,000 s.f. is required; contiguous upland area of 52,985 s.f. whereas 100,000 s.f. is required; and depth of 150 feet whereas 300 feet is required. The parcel is located on Tinker Road in the R-1 (Residential), and Aquifer Conservation Districts. Tax Map 2C, Lot 110. Case #2015-48.**

The owners were represented by Gregory Michael & Michael Klass of Bernstein, Shur, Sawyer & Nelson, P.A.

No public comments were made in favor or opposition to this application.

The Board voted 4-0-0 to grant the variances, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.

8. **Gregory E. Michael of Bernstein, Shur, Sawyer & Nelson, P.A. (petitioner) and Beverly D. Hilton Revocable Trust and George L. Hilton Revocable Trust (owners) -- Variances under Section 3.02 of the Zoning Ordinance to permit a lot with a lot area of 30,988 s.f. whereas 100,000 s.f. is required; contiguous upland area of 19,801 s.f. whereas 100,000 s.f. is required; frontage of 82 feet whereas 250 feet is required; front setback of 40 feet whereas 50 feet is required; and depth of 158 feet whereas 300 feet is required. The parcel is located on Tinker Road in the R-1 (Residential), and Aquifer Conservation Districts. Tax Map 2C, Lot 110-01. Case #2015-49.**

The owners were represented by Gregory Michael & Michael Klass of Bernstein, Shur, Sawyer & Nelson, P.A.

No public comments were made in favor or opposition to this application.

The Board voted 4-0-0 to grant the variances, on a motion made by Patrick Dwyer and seconded by Leonard Worster.

- 9. Gregory E. Michael of Bernstein, Shur, Sawyer & Nelson, P.A. (petitioner) and Vault Motor Storage (owner) – Request for Re-Hearing regarding Case # 2015-39, in which the Board voted to deny a Variance under Section 17.10.3 of the Zoning Ordinance to permit an additional 160 sf. ground sign whereas a 63 sf. ground sign was permitted at 526 D.W. Highway in 2014. The parcel is located at 526 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. Case #2015-46.**

A vote to grant the rehearing failed by a vote of 2-2-0, on a motion made by Lynn Christensen and seconded by Leonard Worster with Fran L'Heureux and Patrick Dwyer opposed.

10. Discussion/Possible Action Regarding Other Items of Concern

Nothing discussed.

11. Approval of Minutes – November 18, 2015

The Board voted 3-0-1 to approve the minutes of 11/18/2015 as drafted, on a motion made by Lynn Christensen and seconded by Patrick Dwyer with Leonard Worster abstaining.

12. Adjourn

The Board voted 4-0-0 to adjourn at approximately 8:16 p.m., on a motion made by Patrick Dwyer and seconded by Lynn Christensen.